IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4759 OF 2004

Prashant Punaji Shandarkar. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr. R. K. Mendadkar for the Petitioner.
Mrs. M. P. Thakur, AGP for Respondent Nos.1 and 2.
Mr. Nitin Jamdar for Respondent No.3.
.....

CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

January 30, 2006.

P.C.

The Petitioner impugns the order of the Caste Scrutiny Committee whereby the Petitioner's claim as belonging to Halba S.T. has been rejected. It is the case of the Petitioner that his brother's Caste Certificate was verified by the Committee then constituted and in the circumstances, the Petitioner's case ought not to have been rejected.

We have heard the Learned Counsel for the Petitioner. The Petitioner's brother's caste tribe was verified as belonging to Halba S.T. by the order dated 6th August 1986. This was before

the judgment in Madhuri Patil. Even a perusal of the said judgment would indicate that the School Leaving Certificate of the father was not available and the Committee then proceeded on the basis of the father's college leaving certificate.

In the instant case, the record being scrutinised, the Vigilance Cell found the extract of the School Leaving Certificate of the Petitioner's father which shows his caste recorded as Halba Koshti and is of the period 1995. Apart from that the Petitioner's School Leaving Certificate itself shows that as Halba Koshti. In other words, the father's tribe certificate as also his own certificate show as belonging to Halba Koshti which is different from Halba. Once that be the case, we do not find that the order of the Committee suffers from any error apparent as the child would have the status of the father. Considering that no interference is called for. The petition is rejected.

If it is the case of the Petitioner that his services are terminated, that is an independent issue and it would be open to the Petitioner to challenge the same before the competent forum.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)